

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO
and KARL LEIBINGER, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS,
L.L.C., a Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBaker
LLC and JMBaker LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

**PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO FILE MOTION PAPERS UNDER SEAL**

Lead plaintiffs together with plaintiffs Stonington Partners, Inc., Stonington Capital Appreciation 1994 Fund L.P. and Stonington Holdings, L.L.C., Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust, and Janet Baker, James Baker, JKBaker LLC and JMBaker LLC (collectively the "Plaintiffs") hereby move, pursuant to Massachusetts Local Rule 7.2, for orders authorizing the filing under seal, in each of the above-captioned actions, of the Declaration of Susan M. Davies in Support of Plaintiffs' Motion to Compel Depositions of Dexia Bank Belgium Through Jean-Paul Cloes, Catherine Decoutere, Ivan de Coen, Joris van Helleputte, and Nadia van Hove executed on May 3, 2006, together with the exhibits thereto (the "Davies Declaration").

In support of this unopposed motion, Plaintiffs state as follows.

1. On May 31, 2005, the Court entered an Order Governing the Treatment of Confidential Information in each of the above-captioned actions (the "Confidentiality Order"). A true and correct copy of the Confidentiality Order is annexed as **Exhibit A** to the accompanying Declaration of Patrick T. Egan executed May 3, 2006. Under the

terms of the Confidentiality Order, memoranda and declarations containing or disclosing discovery materials that the producing party has designated as “Confidential Information” must be filed with the Court under seal. *See* Egan Dec. **Ex. A** at ¶10.

2. On May 3, 2006, Plaintiffs filed Plaintiffs’ Motion to Compel Depositions of Dexia Bank Belgium Through Jean-Paul Cloes, Catherine Decoutere, Ivan de Coen, Joris van Helleputte, and Nadia van Hove (*see* Egan Dec. **Ex. B**), in response to the refusal by defendant Dexia Bank Belgium to make these five individuals available for deposition by Plaintiffs.

3. On May 3, 2006, Plaintiffs also served by hand upon counsel for defendant Dexia Bank Belgium, Jeff E. Butler, Esq. of Clifford Chance US LLP, New York, New York, a copy of the Davies Declaration and exhibits. *See* Egan Dec. at ¶ 4.

4. The Davies Declaration has not been filed with the Court because it contains evidence obtained in discovery which Dexia Bank Belgium has designated confidential under the terms of the Confidentiality Order. *Id.* at ¶ 5. Plaintiffs must present this evidence to the Court in order to discharge their burden of establishing the status of Jean-Paul Cloes, Catherine Decoutere, Ivan de Coen, Joris van Helleputte, and Nadia van Hove as managing agents of Dexia Bank Belgium.

**Certification Under Fed. R. Civ. P. 37(a)(2)(b),
and Local Rules 7.1(a)(2) and 37.1(b)**

5. Pursuant to Local Rules 7.1(a)(2), undersigned counsel hereby certify that counsel for Dexia does not oppose the instant motion seeking to file papers in support of the Motion to Compel under seal.

WHEREFORE, Plaintiffs respectfully request that this Court enter orders:

- (A) relieving Plaintiffs of the obligation under Local Rule 7.1(b)(1) to file a memorandum of law in support of the instant motion simultaneously herewith;
- (B) authorizing the filing under seal, in each of the above-captioned actions, of the Declaration of Susan M. Davies in Support of Plaintiffs' Motion to Compel Depositions of Dexia Bank Belgium Through Jean-Paul Cloes, Catherine Decoutere, Ivan de Coen, Joris van Helleputte, and Nadia van Hove Davies executed on May 3 2006, together with exhibits thereto; and
- (B) for such other and further relief as the Court deems just and proper.

Dated: May 3, 2006

Respectfully submitted,

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/s/ Glen DeValerio

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